



## COMMISSION ON DISABILITIES MINUTES

**Monday, December 10, 2007  
6:00 PM**

*FIFTH FLOOR LARGE CONFERENCE ROOM, CITY HALL,  
3900 MAIN STREET, RIVERSIDE, 92522  
GENERAL SERVICES DEPARTMENT, 951-826-5427*

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### **MISSION STATEMENT**

*"The mission of the Commission on Disabilities is to promote greater awareness of, respect for, and the total participation of individuals with disabilities into all aspects of life."*

CALL TO ORDER: 6:03 PM

PLEDGE OF ALLEGIANCE

1. Roll Call: Chairperson Paul Van Doren, Vice-Chair Gigi Welch, Linda Garcia, Debbie Keller, Lesley Robinson, Gene Brosious, Donald Hawecker, James Stream.

ABSENT (excused): Suzanne Puffer, Heather Chmaj

Also in attendance were Deputy Human Resources Director Jeremy Hammond, Deputy City Attorney Neil Okazaki, and ADA Coordinator Monique Gordon.

2. **Introductions and Public Comment Period** - This is the portion of the meeting specifically set aside to invite your comments regarding any matter within the Commission's jurisdiction.

In attendance were Residents Ty & Linda Lawyer, Resident John Lonberg and Donna Kirchoff, Inland Regional Center.

3. Minutes from the Regular Meeting of November 19, 2007

M/S Robinson/Hawecker and unanimous to approve the November 19, 2007 minutes as presented.

AYES – 8 (Van Doren, Welch, Garcia, Keller, Robinson, Brosious, Hawecker, Stream), NOES – 0, ABSTAIN – 0, ABSENT – 2 (Puffer, Chmaj).

### **OLD BUSINESS**

A. Revision of the Trashcan Sidewalk Obstruction – Code Enforcement Courtesy Reminder

In response to a question from the COD about the ability of Code Enforcement to print the second side of the Courtesy Reminder in Spanish, ADA Coordinator Monique Gordon noted that:

- a. The Courtesy Reminders had already been produced for distribution and it was too late to change them.
- b. Because of the post card format of the Courtesy Reminder, using the second side did not work well.
- c. In future distributions, some of the post cards could be produced in Spanish or another second language.

Mr. Hawecker noted that it seems that Code Enforcement staff may not be aware that trash cans were supposed to be curbside on the street and not obstructing the sidewalk on trash day. He noted that the Solid Waste Division of Public Works was planning to distribute information explaining to residents that trash cans were not to block sidewalks. The COD will participate in a PSA with Public Works Solid Waste that will educate residents in the proper placement of trash containers curbside in the street and now on the sidewalk.

The COD discussed that the CE Courtesy Notice would be distributed the first week of December and CE would provide statistics on the number of complaint calls specifically pertaining to sidewalk obstruction. If successful, the number of calls concerning this issue should decrease monthly. CE will provide monthly statistics to the ADA Coordinator and these statistics will be presented to the COD in order to measure the success of this project. Monthly performance measures of this project will be placed in the COD agenda as an informational item.

The COD greatly appreciates the efforts by Code Enforcement to produce and distribute the courtesy reminder and educate City residents concerning the illegality of sidewalk obstruction.

#### B. Refuse Containers that Obstruct Sidewalks after being Emptied by Refuse Trucks

The COD discussed what happens when an improperly placed trash container (on the sidewalk) is picked up, emptied and replaced improperly or tipped over to obstruct the sidewalk. The Public Works Field Operations Manager noted:

1. If a complaint is received concerning a resident improperly placing a refuse container on the sidewalk, Public Works Solid Waste Division will send a letter to the resident outlining the proper curbside placement of containers.
2. If more than one complaint is received concerning the same resident, a second letter is sent to the resident. The letter is marked "second notice" and Code Enforcement is copied on the letter. Code Enforcement is copied on subsequent (3<sup>rd</sup> or 4<sup>th</sup>) notices sent to the resident.
3. Public Works Solid Waste Division has a door hanger that can also be used for public education concerning correct placement of refuse containers.
4. **Refuse Drivers have been instructed to pick up any refuse containers that tip over and obstruct a sidewalk after the container is emptied.**
5. A public service announcement concerning proper placement of refuse containers by residents would be helpful to educate residents about the proper placement of refuse containers.

Note that Chapter 6.04.030 of the Municipal Code - Location of receptacles and detachable receptacle requirements is applicable for this subject.

Vice-chair Welch suggested a utility bill insert outlining the proper placement of trash containers.

The COD noted that:

1. The refuse drivers do not get out of their trucks to place empty trash containers curbside,
2. Refuse drivers need to be educated on the correct placement of containers after they are empty – refuse drivers are required to pick up any empty trash container that falls over to obstruct a sidewalk. Sidewalks are not to be obstructed under any circumstances.
3. Part of the public education would be making residents aware that they needed to place trash containers properly,
4. The second part of the education should be that drivers be made aware that the public is noticing that empty trash containers are being left in a slovenly manner and additional training may be necessary.
5. Residents are encouraged to call if sidewalks are obstructed by trash containers or vehicles. Performance measures can be developed from the number of calls received from residents on this subject.

### **C. Terms of Office**

Chairperson Van Doren requested information concerning COD appointments: Ward appointments versus City-wide appointments. City-wide positions are on recommendation of the Mayor.

The COD discussed how residents can be appointed to the Commission and the appointment process. Part of the appointment process is being recommended by the Mayor or a City Council person.

Mr. Stream noted that the entire COD serves at the pleasure of the Mayor and City Council. ADA Coordinator Gordon will provide information from the City Clerk's office concerning Board and Commission nominations and appointments.

It was noted that commissioner selection is solely within the purview of the Mayor and City Council. No COD action was taken on this item.

### **D. Human Resources Proposed Policy – Reasonable Accommodation**

The subject policy was originally presented to the COD on November 19, 2007.

Chairperson Van Doren suggested that the EEOC document titled Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act (Enforcement Guide) be used in the administration of the HR Reasonable Accommodation Policy. The Enforcement Guide discusses different types of accommodations and would be a valuable resource for HR law relating to reasonable accommodations in the workplace. Although the Enforcement Guide was mentioned briefly in the Policy, it was suggested by the COD that this Enforcement Guide be distributed to applicants/employees at the time they request

accommodations. The Enforcement Guide talks about different responsibilities of the employer and employee concerning reasonable accommodations.

Chairperson Van Doren noted that using the Enforcement Guide for Reasonable Accommodations would make the process easier for the applicant/employee and the City because the Guide provided details and examples concerning reasonable accommodations.

Deputy City Attorney Neil Okazaki noted that he was familiar with the Enforcement Guide and will make sure that the most updated version of this document is being used by HR in their reasonable accommodation process. He noted that the Enforcement Guide would also be used in reference to specific ADA law by City Attorney's office when necessary.

Deputy City Attorney Okazaki noted that the HR Policy attempted to strike a balance between being thorough and providing enough information to the applicant/employee versus overwhelming them with too much detail. The HR Policy was designed to provide enough information so that the process is straight forward and simple to use.

Chairperson Van Doren suggested that the applicant be made aware of the Enforcement Guide on the HR website and/or provide the applicable section of information relevant to the applicant/employee request. He stated that it would be good for HR staff and the applicant/employee to review the examples provided in the Enforcement Guide so that everyone understood what needed to be done for provision of reasonable accommodations.

Deputy HR Director Hammond noted that as a matter of process, there would be no problem having the Enforcement Guide made available in the HR department and to anyone going through the reasonable accommodations process.

M/S Welch/Robinson and unanimous to recommend that City Council approve and adopt the HR Reasonable Accommodation Policy with reference to the EEOC Enforcement Guide for Reasonable Accommodations.

Chairperson Van Doren noted that if there was a request for accommodations the Human Resources Department had questions about, the Deputy HR Director should feel free to consult the COD since a number of its members worked with accommodations and various forms of assistive technology and would be available as a resource to the Human Resources Department.

AYES – 8 (Van Doren, Welch, Garcia, Keller, Robinson, Brosious, Hawecker, Stream), NOES – 0, ABSTAIN – 0, ABSENT – 2 (Puffer, Chmaj).

#### **E. COD Subcommittee - Proposed Revisions to the Special Transportation No-Show Policy**

The COD completed its review of the No-Show Policy and submitted it to Staff for further development. Staff will further develop the City's No-Show Policy by conducting research on similar policies in other jurisdictions and further legal development. A new draft policy will be developed and the COD will have an opportunity to review the document before submission to City Council for approval.

## NEW BUSINESS

### A. COD Report on State Independent Living Council– Quarterly Meeting Invitation for December 5 and 6 2007

Paul Van Doren and Lesley Robinson attended this event. Appointed by the Governor of California, the State Independent Living Council has oversight over the Dept of Rehabilitation Services. The council puts together a 3 year plan of things that need to happen for the disabled to live independently. He noted that it was great that the meeting was held in Riverside. The State Independent Living Council meets quarterly and often in the Bay Area.

One of the main points discussed was disaster planning. Previously, during evacuations, the Red Cross did not properly handle disabled evacuees well. The evacuations must happen quickly but medication, durable equipment and adequate disabled facilities were not provided in the shelters in San Bernardino. The Red Cross and other similar organizations need training concerning the evacuation of the disabled. Some of the disabled were rejected because the facilities were not equipped for the disabled.

It was also noted that the in-home supportive services policy was being redefined and modified for areas such as the traumatic brain injury policy.

Chairperson Van Doren and Commissioner Robinson noted that whenever these meetings come to the Riverside area, COD should attend because the input received was relayed to Sacramento and:

- Determine the allocation of federal funds for independent living;
- Advise the Governor and Legislature about issues impacting persons with disabilities in California;
- Create projects and move forward ideas that will enhance the ability of people with disabilities to live independently.

These meetings are high level and interact with Medical, the Department of Social Services and other organizations. The COD should attend these meetings to give input.

The COD discussed if locally, the City was prepared to deal with the disabled in case of emergency? Which local agencies are prepared to respond to the needs of the disabled? How are battered women handled in shelters?

James Stream noted that through precedents being set in courts of law, the ADA was being “watered down”. He requested that the City Attorney’s office provide a summary of what is happening with the ADA in 2007. Although the ADA is supposed to protect the disabled, look at what is not available for the disabled that should be reasonable to have. The disabled community needs to be realistic about where it currently stands with the ADA. What issues can be reasonably complained about and receive reasonable answers to? What types of information or services are now outside the reach of the disabled community due to decisions that are currently being made in the higher courts? What can the COD reasonably have an effect on? The COD should start looking at some higher level issues on a long term basis.

The COD requested that further discussions be held concerning the City's emergency preparedness for the disabled in the City. Some of the questions are:

1. What is the disaster preparedness plan for the disabled
2. Who will respond and will they be prepared to deal with the disabled in case of emergency
3. Where will the emergency shelters be and will they be prepared to adequately accommodate the needs of the disabled (medication, durable equipment, wheelchairs, etc.)

ADJOURNMENT: 7:33 pm